UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
LEE, CHUN KUAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-8, 11-12, 14-20, 23-24 and 26-31 are rejected under 35

U.S.C. 102(e) as being anticipated by Adatia et al. (US Pub.: 2003/0112262).

As per claims 1, 19 and 31, Adatia teaches a media player system, method and

program of enabling access to electronic media, the method comprising:

means for an application structured and arranged to play a currently selected

song (Figure1; [0002]-[0004] and [0028]-[0029] on page 1 and Playback Control Buttons

section on page 9, where "application" is read on "access code segment", "play" is read

on "access" and "currently selected song" is read on "first track of electronic media")'

means for said application structured and arranged to run a virtual instrument,

the virtual instrument including (Figure1 and [0002]-[0004] and [0028] on page 1, where

"application" is read on "rule set code segment", "virtual instrument" is read on "rule set"

and "run" is read on "access"):

an event definition description comprising:

pressing the hardware-like track forward button to be monitored/detected during playing the currently selected song (Figure1; [0029]-[0031] on page 1 and Playback Control Buttons section on page 9, where "pressing the hardware-like track forward button" is read on "even condition" and "playing the currently selected song" is read on "a current media state"); and

pressing the "quality" setting tab in the plug-in settings to be monitored/detected during playing the currently selected song (Plug-In Settings section on page 22, where "pressing the "quality" setting tab in the plug-in settings" is read on "even condition");

an event transition comprising:

a shift from playing the currently selected song to the next song that relates the event definition to playing a next selected song (Figure1; [0029]-[0031] on page 1 and Playback Control Buttons section on page 9, where "shift from playing the currently selected song to the next song" is read on "event transition" and "playing a next selected song" is read on "new media state"); and

a shift in the decoding bit-rate that related to the event definition to play the data file at 16-bit or 8-bit quality (Plug-In Settings section on page 22, where "shift in the decoding bit-rate" is read on "event transition" and "play the data file at 16-bit or 8-bit quality" is read on "new media state");

means for said application structured and arranged to detect that the pressing of the hardware-like track forward button or the pressing of the "quality" setting tab in the plug-in settings in the virtual instrument has occurred (Figure1; [0002]-[0004] and [0029]-[0031] on page 1; Playback Control Buttons section on page 9 and Plug-In Settings section on page 22, where "application" is read on "detecting code segment" and "pressing of the hardware-like track forward button" and "pressing of the "quality" setting tab in the plug-in settings" is read on "event");

means for said application structured and arranged to perform the shift from playing the currently selected song to the next song or the shift in the decoding bit-rate in response to the pressing of the hardware-like track forward button or the pressing of the "quality" setting tab in the plug-in settings respectively (Figure1; [0002]-[0004] and [0029]-[0031] on page 1; Playback Control Buttons section on page 9 and Plug-In Settings section on page 22, where "application" is read on "event transition code segment").

As per claim 4, Adatia teaches a media player system, method and program of enabling access to electronic media, the method comprising wherein to play the currently selected song requires running the virtual instrument before the song is rendered (Figure1; [0002]-[0004] and [0029]-[0031] on page 1 and Opening and Playing a File section on page 10).

As per claim 5, Adatia teaches a media player system, method and program of enabling access to electronic media, the method comprising:

wherein performing the shift from playing the currently selected song to the next song includes playing the next selected song, the next selected song relating to the playing the next selected song described in the pressing of the hardware-like track forward button (Figure1; [0029]-[0031] on page 1 and Playback Control Buttons section on page 9, where "next selected song" is read on "second track"); or

wherein performing the shift in the decoding bit-rate includes playing the currently selected song at a higher or lower bit rate, the playing of the currently selected song at a higher or lower bit rate relates to the playing the data file at 16-bit or 8-bit quality state described in the shift in the decoding bit-rate (Figure1; [0029]-[0031] on page 1 and Plug-In Settings section on page 22, where "the currently selected song at a higher or lower bit rate" is read on "second track").

As per claim 6, Adatia teaches a media player system, method and program of enabling access to electronic media, the method comprising wherein playing the currently selected song at a higher or lower bit rate includes playing an instantiation of the currently selected song encoded at a different bit rate (Figure1; [0029]-[0031] on page 1 and Plug-In Settings section on page 22).

As per claim 7, Adatia teaches a media player system, method and program of enabling access to electronic media, the method comprising wherein to play the

currently selected song includes referencing a location for the song (Opening and

Playing a File section on page 10, where "song" is read on "electronic media").

As per claim 8, Adatia teaches a media player system, method and program of

enabling access to electronic media, the method comprising wherein running the virtual

instrument with the event definition includes accessing the application describing a

media player event for an audio player playing the song that was not configured to

process prior to running the virtual instrument (Figure 1; [0002]-[0004] and [0028]-[0031]

on page 1; Playback Control Buttons section on page 9 and Opening and Playing a File

section on page 1, where "audio player" is read on "media player").

As per claim 11, Adatia teaches a media player system, method and program of

enabling access to electronic media, the method comprising wherein running the virtual

instrument with the event definition and performing the shift from playing the currently

selected song to the next song include pressing of the hardware-like track forward

button within the event definition that describes a playlist that is used to select songs,

and using the playlist to select the song (Figure 1; Figure 17; [0002]-[0004] and [0029]-

[0031] on page 1; [0054] on page 3 and Playback Control Buttons section on page 9,

where "pressing the hardware-like track forward button" is read on "accessing an even

condition").

As per claim 12, Adatia teaches a media player system, method and program of enabling access to electronic media, the method comprising wherein running the virtual instrument with the event definition and performing the shift from playing the currently selected song to the next song include pressing of the hardware-like track forward button within the event definition that describes a licensing, relating to the plug-ins, and selecting songs that comply with the licensing for the plug-ins (Plug-In Settings on pages 22-23; where "licensing" is read on "licensing restriction").

As per claim 14, Adatia teaches a media player system, method and program of enabling access to electronic media, the method further comprising pressing of the hardware-like track forward button that relates to a commonly used across audio files, using the event definition when the audio files are being used, and performing the shift from playing the currently selected song to the next song when pressing the hardware-like track forward button associated with the audio file occurs (Figure1; [0002]-[0004] and [0029]-[0031] on page 1 and Opening and Playing a File section on page 10, where "audio files" is read on " a type of media").

As per claim 15, Adatia teaches a media player system, method and program of enabling access to electronic media, the method comprising wherein pressing of the hardware-like track forward button related to the audio files, using the event definition, and performing the shift from playing the currently selected song to the next song include using the virtual instrument that relates to audio files (Figure1; [0002]-[0004] and

[0029]-[0031] on page 1; Playback Control Buttons section on page 9 and Opening and Playing a File section on page 10, where "audio files" is read on "audio").

As per claim 16, <u>Adatia</u> teaches a media player system, method and program of enabling access to electronic media, the method further comprising pressing the plurality of hardware-like control buttons that is commonly used for audio files, using the event definition when audio files is being played and performing the shift from playing the currently selected song to the next song when pressing the hardware-like track forward button associated with the audio files occurs (Figure1; [0002]-[0004] and [0029]-[0031] on page 1 and Playback Control Buttons section on page 9, where "pressing plurality of hardware-like control buttons" is read on "access an event condition" and "audio files" is read on "particular class of content").

As per claim 17, <u>Adatia</u> teaches a media player system, method and program of enabling access to electronic media, the method comprising wherein detecting the pressing of the hardware-like track forward button in the virtual instrument includes determining that playing the currently selected song has been interrupted (Figure1; [0002]-[0004] and [0029]-[0031] on page 1 and Playback Control Buttons section on page 9).

As per claim 18, <u>Adatia</u> teaches a media player system, method and program of enabling access to electronic media, the method comprising wherein detecting the

pressing of the on-line update tab in the virtual instrument has occurred include

receiving the current version information of said virtual instrument from a network

interface (Online Update section on page 30, where "pressing of the on-line update" is

read on "event", "current version information of said virtual instrument" is read on "state

information" and "network interface" is read on "communication interface").

Claims 20, 23-24 and 26-30 repeat the limitations of claims 8, 11-12 and 14-18

and are therefore rejected accordingly.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Adatia et al. (US Pub.: 2003/0112262) in view of the "FAQs: Winamp".

As per claims 2-3, Adatia teaches a media player system, method and program

of enabling access to electronic media, the method comprising wherein the virtual

instrument comprise of a plug-in tab and the utilization of plug-ins to proper decode the

data file (Plug-In Settings on pages 22-23, where "plug-in" is read on "rule set")

Adatia does not teach a media player system, method and program of enabling

access to electronic media, the method comprising wherein download the plug-in from a

host and invoking a media player before download the plug-in.

The ""FAQs: Winamp" teaches an audio player system, method and program

comprising download a plug-in after invoking the audio player by clicking on the "Plug-

ins" tab ("What are Winamp plug-ins?" section on page 3).

Therefore, it would have been obvious to one of ordinary skill in this art, at the

time of invention was made to modify Adatia to include in the media player system,

method and program of enabling access to electronic media, the method comprising

wherein running the virtual instrument include downloading a proper plug-in from a host

and invoking the virtual instrument before downloading the plug-in.

It would have been obvious to one of ordinary skill in this art, at the time of

invention was made to have modify <u>Adatia</u> by the teaching of the "<u>FAQs: Winamp</u>",

because to include in the media player system, method and program of enabling access

to electronic media, the method comprising wherein running the virtual instrument

include downloading the proper plug-in from a host and invoking the virtual instrument

before downloading the plug-in, because not only is the downloading and utilization of

plug-ins well know in the art, further more, this will benefit the ability to extend support to

new audio formats by simply downloading the correct plug-ins.

3.   Claims 9-10, 13, 21-22 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Adatia et al.</u> (US Pub.: 2003/0112262) in view of <u>Hirai et al.</u> (US

Patent 6,951,030).

As per claim 9-10 and 13, <u>Adatia</u> teaches a media player system, method and

program of enabling access to electronic media, the method comprising running the

virtual instrument with the event definition and performing the shift from playing the

currently selected song to the next song include streaming broadcast data over a

network service (Streaming section on page 32).

<u>Adatia</u> does not teach a media player system, method and program of enabling

access to electronic media, the method comprising:

accessing the event definition that relates to an interrupt in a network service

while accessing the first track and responding to the network interrupt in response;

accessing the event definition that relates to an availability of a prioritized media

selection that is now available and notifying the user as to the availability of the

prioritized media selection; and

accessing an event condition within the event definition that enable an

emergency broadcast system to interrupt the first track and switching to a transmission

of he emergency broadcast system.

Hirai teaches data broadcast apparatus, method and program comprising:

stopping broadcasting and reproducing the first broadcast data and start

broadcasting and reproducing the second broadcast data (Figure 6 and column 2, line

28 to column 3, line 6, where "stopping broadcasting and reproducing" is read on

"interrupt" and "start broadcasting reproducing the second broadcast data" is read on

"responding to the network interrupt in response");

acquiring an emergency AV data which has a higher priority than the scheduled

program data that is now available and notify the user as to the availability of the

prioritized emergency AV data by stopping broadcasting and reproducing of the

scheduled program data and start broadcasting and reproducing the emergency AV

data (Figure 6 and column 13, line 50 to column 14, line 8, where "emergency AV data"

is read on "prioritized media selection"); and

enable the broadcasting of the emergency AV data to interrupt the broadcasting

the scheduled program data, and switching to the transmission of the emergency AV

data (Figure 6; column 2, line 28 to column 3, line 6 and column 13, line 50 to column 14, line 8, where "broadcasting of the emergency AV data" is read on "emergency broadcast system").

Therefore, it would have been obvious to one of ordinary skill in this art, at the time of invention was made to modify Adatia to include in the media player system, method and program of enabling access to electronic media, the method comprising wherein running the virtual instrument with the event definition and performing the shift from playing the currently selected song to the next song include:

accessing the event definition relating to stopping the broadcasting and reproducing in a network service while playing the currently selected song, and start broadcasting and reproducing the second broadcast data;

accessing the event definition relating to an availability of the emergency data that is now available and notifying user of the availability of the emergency data; and

accessing an event condition within the event definition that enable broadcasting the emergency data by interrupting the currently selected song and switching to a transmission of the emergency data.

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to have modify Adatia by the teaching of Hirai, because to include in the media player system and method of enabling access to electronic media, the method comprising wherein running the virtual instrument with the event definition and performing the shift from playing the currently selected song to the next song include:

accessing the event definition relating to stopping the broadcasting and

reproducing in a network service while playing the currently selected song, and start

broadcasting and reproducing the second broadcast data;

accessing the event definition relating to an availability of the emergency data

that is now available and notifying user of the availability of the emergency data; and

accessing an event condition within the event definition that enable broadcasting

the emergency data by interrupting the currently selected song and switching to a

transmission of the emergency data, would allow an instantaneous response to

broadcast and reproduce emergency data to the user and prioritizing the data being

streamed into the user.

Claims 21-22 and 25 repeat the limitations of claims 9-10 and 13 and are

therefore rejected accordingly.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671 and email is chun-kuan.lee@uspto.gov. The examiner can normally be reached on 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Popovici Dov can be reached on (571)272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100. Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

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C.K.L.
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